

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION, GEAUGA COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
Service and Subpoena

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

Background

It is fundamental that all parties in a legal proceeding be fully informed of each document that a party files with the court, starting with the filing of a complaint to commence a legal proceeding. There are strict rules designed to keep all parties informed in a timely manner, to the extent possible. Additionally, there is a process by which the Court will assist you to require the attendance of a witness for a Hearing or a deposition when you need the presence of a witness to testify or to produce documents.

Service of a Summons.¹ A legal proceeding is started by the filing of a “complaint” with the court. The clerk of courts will cause the delivery of a copy of the complaint to all parties named in the complaint. In addition to delivering a copy of the complaint, the clerk of courts will cause the delivery of a “summons” to each named party. However, it is your duty to provide the clerk of courts with accurate information that allows the clerk of courts to perform its duty. Thus, together with the filing of the complaint, you must file with the clerk of courts form GC JF 7.0 titled “Instructions for Service,” which provides the clerk of courts with the necessary information. That form is on the Court’s website.

Subpoena.² Essentially, a subpoena is a court order that requires a person to do something. It may be an order (i) to appear to give testimony under oath at a Hearing or for a deposition, (ii) to produce documents or tangible things at a Hearing or deposition, or (iii) to permit you to examine real or personal property. Asking the clerk of courts to issue a subpoena can be quite helpful to you to assure the appearance of a witness at a Hearing or for a deposition. If you need a person to testify for you at a Hearing (such as a doctor or a school teacher), if you fail to cause a subpoena to be issued and served, and if your witness fails to appear, then the Court probably will proceed with the Hearing without that important testimony. It

¹ See Juv.R. 15 and 16 (Ohio Rules of Juvenile Procedure); and Civ.R. 4, 4.1, 4.2, 4.3, 4.5, and 4.6 (Ohio Rules of Civil Procedure); and Geauga County Juvenile Local Rule 38.

² Juv.R. 17 (Ohio Rules of Juvenile Procedure) and Geauga County Juvenile Local Rule 37.

is your duty to cause your witness to appear at a Hearing by the issuance and service of a subpoena. If you need to have a person appear to give testimony, or to produce documents, or to allow you to examine real or personal property that is owned or under the control of that person, then you need to prepare two documents and file them with the Clerk. Please read the “Subpoena Instructions” that are posted on the Court’s website.

1. Subpoena. You must prepare form GC JF 3.3 titled “Subpoena.”
2. Request for Service of Subpoena. You must prepare form GC JF 3.3A titled “Request for Service of Subpoena.”

You must file those two documents with the Clerk, together with a filing fee, which is posted on the Court’s website. If you are indigent, then the Court may waive the filing fee if you prepare and file the form titled “Financial Disclosure Form (ODP-206R).”

Notice of Subsequent Filings.

Instructions for Service.

Whenever you file a post-decree motion, such as a Motion for Change of Custody, Motion to Modify Parenting Time (Visitation), Motion to Modify or Terminate Child Support, you must prepare and file with the clerk of courts, together with that post-decree Motion, the form GC JF 7.0 titled “Instructions for Service,” which provides the clerk of courts with the necessary information.³ The clerk of courts will deliver a copy of your Motion to all parties by certified mail or other means permitted by law. The Instructions for Service is on the Court’s website or available at the Help Center. If you have a question regarding the need to prepare and file the Instructions for Service, the Help Center can assist you.

Other Service.

Other than the filing of a complaint or a post-decree Motion, as explained above, whenever you file a document with the Court, such as a motion for continuance, a motion for an In-Chambers Interview, a motion for a Preliminary Hearing, a written request, or requests for discovery, or notice of appeal, you must deliver a copy of such document to all other parties to the proceeding, and if a party is represented by an attorney, then to that party’s attorney.⁴ Other parties may include, for example, a Guardian Ad Litem. That is your responsibility, not the Court’s responsibility. The delivery of a copy of a document that you file with the court is known as “service.” Again, if you have any questions regarding the need to serve upon the other parties those documents that you file with the Court, the Help Center can assist you.

The manner of “service” of such filings is set forth in Civ.R. 5(B).⁵ A document is served under this rule by,

(a) handing it to the person;

(b) leaving it:

(i) at the person’s office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or

³ See Loc.R. 6 of the Court of Common Pleas of Geauga County, Juvenile Division.

⁴ Juv.R. 17 (Ohio Rules of Juvenile Procedure) and Civ.R. 5(B) (Ohio Rules of Civil Procedure).

⁵ Ohio Rules of Civil Procedure

- (ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;
- (c) mailing it to the person's last known address by United States mail, in which event service is complete upon mailing;
- (d) delivering it to a commercial carrier service for delivery to the person's last known address within three calendar days, in which event service is complete upon delivery to the carrier;
- (e) leaving it with the clerk of courts office if the person has no known address; or
- (f) sending it by electronic means to a facsimile number or e-mail address provided in accordance with Civ.R. 11⁶ by the attorney or party to be served, in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person served.

You must be able to prove to the Judge upon request that you have "served" your filings, that is you have delivered a copy of your filings to all parties to the proceeding, including their attorneys. You must complete the Certificate of Service clause at the end of the motion or request before filing the document with the Court.

LEGAL PRACTICE IN THE JUVENILE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY JUVENILE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.

⁶ Ohio Rules of Civil Procedure